



**Permanent Select Committee
on Intelligence
U.S. House of Representatives**

May 21, 2020

The Honorable Richard Grenell
Acting Director of National Intelligence
Washington, D.C. 20511

Dear Acting Director Grenell:

Consistent with Senate Select Committee on Intelligence Vice Chairman Mark Warner's May 20, 2020 letter to you, the House Permanent Select Committee on Intelligence ("Committee") also requests that you produce the intelligence reports and additional information pertaining to your May 8 declassification, and May 13 release to Senators Ron Johnson and Charles Grassley, of the identities of executive branch officials who lawfully submitted U.S. person identity requests to better understand specific intelligence reports containing masked U.S. person information.

The Intelligence Community ("IC") protects the identities of Americans who are referenced in intelligence obtained from lawful collection against authorized foreign targets that it disseminates to its customers through intelligence reports. IC elements do so by "masking" the U.S. person information in the intelligence report in a manner that protects those U.S. persons' privacy. U.S. officials who are authorized recipients of these intelligence reports and who are charged with protecting national security may request, through a standardized process and with an appropriate and validated justification, the underlying U.S. person information that has been replaced by a generic descriptor (such as "U.S. person 1"). The IC elements review those requests to validate the requester's need to know this sensitive information before releasing that U.S. person information to the requester.

As you must now be aware, authorized U.S. officials make these requests so they can better understand specific intelligence reports and properly evaluate threats to our national security. The established procedures for doing so safeguard the privacy of Americans, while at the same time enabling U.S. officials to protect national security by requesting the U.S. person information that reveals who may be in harm's way, who may be engaged in acts that threaten the country, or who, wittingly or unwittingly, may be acting to further the interests of foreign adversaries and, therefore, pose a counterintelligence risk or threat.

In late 2016 and early 2017, as the scope of Russia's sweeping and systemic interference in our election was coming into focus, dozens of officials from across the U.S. government were

briefed on intelligence reports on foreign actors that contained masked U.S. person information. As the list you declassified shows, these officials, either directly or through their IC briefers, submitted requests to understand who the U.S. person or persons were who were referenced in these reports on foreign targets. The masked U.S. persons referenced in these reports were revealed to be Lt. Gen. (Ret.) Michael Flynn, who served as an advisor to candidate and then President-elect Donald Trump—even as Lt. Gen. Flynn was working as an unregistered agent of a foreign government seeking to influence U.S. policy through at least mid-November 2016.¹

National Security Agency (“NSA”) Director General Paul Nakasone’s May 4, 2020 response to your request, which you declassified, confirmed that each of the U.S. officials who requested the masked U.S. person information was “an authorized recipient of the original report” and the requests to reveal the masked U.S. person information were “approved through NSA’s standard process, which includes a review of the justification for the request.”²

As detailed in charging documents and Special Counsel Robert Mueller’s *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, during this timeframe, the IC also became aware of Lt. Gen. Flynn’s communications with Russian Ambassador Sergey Kislyak regarding, among other things, sanctions that the United States had recently imposed on Russia as a penalty for its interference in the 2016 presidential election.³ Lt. Gen. Flynn did not disclose these communications with the Russian Ambassador to the outgoing administration, despite the long-established principle that the United States has only one government at a time.⁴

In January 2017, Lt. Gen. Flynn lied about the content of these communications to Vice President-elect Mike Pence and—after he began serving as President Trump’s National Security Advisor—to the Federal Bureau of Investigation (“FBI”).⁵ This created a clear and untenable counterintelligence and national security risk for the United States.⁶ As witnesses testified to the Committee, the Senate, and to Special Counsel Mueller, Lt. Gen. Flynn’s readily provable lies provided the Russians leverage over the new National Security Advisor because they knew he

¹ See Special Counsel Robert S. Muller, III, *Report on the Investigation Into Russian Interference In the 2016 Presidential Election* (March 2019), available at: <https://www.justice.gov/storage/report.pdf> (“Mueller Report”), Vol. I, at 183; Statement of Offense ¶ 5, *United States v. Flynn*, No. 17 Cr. 232 (D.D.C. Dec. 1, 2017) (“Flynn Statement of Offense”); see also Foreign Agents Registration Act (FARA) Registration for Flynn Intel Group, Inc. (Mar. 7, 2017), available at: https://3A%2F%2Ffile.fara.gov%2Fdocs%2F6406-Registration-Statement-20170307-1.pdf&usg=AOvVaw2IpHCrV_yCfl_PsABSPWcX.

² General Paul M. Nakasone, Director, National Security Agency, Memorandum For Director of National Intelligence (May 4, 2020), as released to Senators Ron Johnson and Charles Grassley by Acting Director of National Intelligence Richard Grenell, available at: <https://www.grassley.senate.gov/sites/default/files/2020-05-13%20ODNI%20to%20CEG%20RHJ%20%28Unmasking%29.pdf>.

³ See Mueller Report, Vol. II, at 26; see also *id.*, Vol. I, at 168-73 (detailing Flynn’s communications with Kislyak).

⁴ See Mueller Report, Vol. I, at 172 (“Flynn told the Office that he did not document his discussion of sanctions because it could be perceived as getting in the way of the Obama Administration’s foreign policy.”).

⁵ See Mueller Report, Vol. II, at 29-30; see also Flynn Statement of Offense ¶¶ 1-3.

⁶ See Mueller Report, Vol. II, at 31.

was lying about the substance of his conversations with Ambassador Kislyak. Lt. Gen. Flynn, himself, later pleaded guilty under oath—twice—to lying to the FBI about these communications. Even President Trump publicly explained at the time, “I had to fire General Flynn because he lied to the vice president and the FBI.”⁷

Your decision to declassify the list of executive branch officials that you requested NSA compile, and then asked that NSA revise to your specification, is without precedent. It was a transparent political act—in an election year and during a pandemic, no less—in which you used the authorities of your position to insinuate wrongdoing by officials who acted appropriately in requesting the identity of masked U.S. persons to better understand foreign intelligence reports.⁸ This is inconsistent with the oath and obligations of an acting Director of National Intelligence. Selective declassification for political purposes is inappropriate, corrupt, and undermines public confidence in the IC as an apolitical pillar protecting the country regardless of the political affiliation of its Executive Branch customers.

To ensure a transparent and complete public record free of political manipulation, the Committee therefore requests that you or your successor:

1. Declassify and make publicly available any intelligence report or transcript concerning conversations between Lt. Gen. Flynn and former Russian Ambassador Kislyak. These communications have been the subject of thorough law enforcement investigation and criminal proceedings, and no national security rationale remains to suppress these records on classification grounds.
2. Produce to the Committee in full, consistent with 50 USC §3092(a)(2),⁹ the underlying intelligence reports that were the subject of U.S. person identity requests revealed in General Nakasone’s May 4, 2020 memorandum to you, as well as the rationale for your decision to request and then declassify the list of officials.
3. Declassify and make publicly available, with appropriate redactions to protect sensitive sources and methods, these same underlying intelligence reports, so that the public can understand why so many U.S. officials from across the government independently sought to learn the identity of a masked American, who would turn out to be Lt. Gen. Flynn, who was communicating with or referenced by lawful targets of foreign intelligence collection.

⁷ Salvador Rizzo, *Fact Checker: Understanding the Twists and Turns in the Michael Flynn Case*, Wash. Post (May 7, 2020), <https://www.washingtonpost.com/politics/2020/05/07/understanding-twists-turns-michael-flynn-case> (quoting @realDonaldTrump 12/2/17 Tweet).

⁸ As noted in Chairman Warner’s letter, according to ODNI’s annual transparency reports, the number of unmasked identities *increased* during the Trump administration, from 9,529 in 2017, to 16,721 in 2018 and 10,012 in 2019.

⁹ See 50 USC §3092(a)(2) (The Director of National Intelligence shall “furnish the congressional intelligence committees any information or material concerning intelligence activities (including the legal basis under which the intelligence activity is being or was conducted), other than covert actions, which is within their custody or control, and which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.”)

The Committee appreciates your prompt attention to these requests, which are in the public interest.

Sincerely,

A handwritten signature in blue ink, reading "Adam B. Schiff". The signature is fluid and cursive, with the first name "Adam" and last name "Schiff" clearly legible, and "B." in the middle.

Adam B. Schiff
Chairman

Cc: The Honorable Christopher A. Wray
Director, Federal Bureau of Investigation

The Honorable General Paul M. Nakasone
Director, National Security Agency

The Honorable Devin Nunes
Ranking Member